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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPT. 99-530
Part 1

HR 3559

AMENDMENTS RELATING TO THE COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

APRIL 14, 1986.—Ordered to be printed

Mr. GARCIA, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 3559]

[Including cost estimate of the Congressional Budget Office]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 3559) to amend the Act establishing a Commission on the Bicentennial of the Constitution of the United States, to clarify the status of employees of the Commission, to raise the limits on private contributions, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. OFFICIAL SEAL.

The first section of the Act entitled "An Act to provide for the establishment of a Commission on the Bicentennial of the Constitution", enacted September 29, 1983 (Public Law 98-101; 97 Stat. 719), hereinafter in this Act referred to as "Public Law 98-101", is amended by adding at the end thereof the following: "The Commission shall have an official seal, which shall be judicially noticed.".

SEC. 2. COMMEMORATIONS BY STATE AND LOCAL GOVERNMENTS.

Section 3 of Public Law 98-101 is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b) It is not the purpose of this Act to preempt any unit of State or local government from celebrating the bicentennial of the Constitution, and nothing in this Act shall prevent any such unit from establishing its own logo, symbol, or mark in connection therewith.".

SEC. 3. AMENDMENTS RELATING TO CERTAIN ADMINISTRATIVE PROVISIONS AND POWERS.

Section 5 of Public Law 98-101 is amended—

(1) in subsection (h)(2)(A), by striking out "$25,000" and inserting in lieu thereof "$250,000";

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(2) in subsection (h)(2)(B), by striking out "$100,000" and inserting in lieu thereof "$1,000,000"; and

(3) by adding at the end thereof the following:

"(k) The Commission may transfer funds received by it to another Federal department or agency if the Commission determines that the use of such funds by such department or agency would promote the commemoration of the bicentennial of the Constitution. This subsection is effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

"(l) The Commission may issue rules and regulations to carry out the purposes of this Act.".

SEC. 4. BICENTENNIAL LOGO.

(a) IN GENERAL.—Section 5(j) of Public Law 98–101 is amended to read as follows:

"(j)(1) For the purpose of this Act, the term 'Bicentennial logo' means the symbol or mark designated by the Commission for use in connection with the commemoration of the bicentennial of the Constitution.

"(2) The Commission may, in accordance with rules and regulations which the Commission shall prescribe, authorize the manufacture, reproduction, use, sale, or distribution of the Bicentennial logo.

"(3) Rules and regulations referred to in paragraph (2) shall include provisions under which—

"(A) fees may be charged for any authorization under this subsection (including circumstances under which any such fee may be waived);

"(B) any authorization granted under this subsection shall not be subject to reassignment or transfer without approval by the Commission; and

"(C) any authorization granted under this subsection may be revoked or otherwise terminated.

"(4)(A) Whoever, except as authorized under this subsection, manufactures, reproduces, uses, sells, or distributes the Bicentennial logo—

"(i) shall be fined not more than $250 or imprisoned not more than 6 months, or both; and

"(ii) shall be subject to a civil penalty in an amount equal to the amount of the fee which would have been payable by person under paragraph (3)(A).

"(B) Section 701 of title 18, United States Code, shall not apply with respect to the Bicentennial logo.

"(5) Amounts charged under paragraph (3)(A) shall be available to the Commission.

"(6) Notice of designation under paragraph (1) shall be published in the Federal Register.".

(b) SAVINGS PROVISIONS.—(1) All rules and regulations issued by the Commission on the Bicentennial of the United States Constitution in connection with section 5(j) of Public Law 98–101 (as in effect before the enactment of this Act) shall continue in effect, according to their terms, until modified, terminated, superseded, or repealed by such Commission.

(2) No suit, action, or other proceeding lawfully commenced before the amendment made by subsection (a) becomes effective shall abate by reason of the enactment of this Act. Determinations with respect to any such suit, action, or other proceeding shall be made as if this Act had not been enacted.

SEC. 5. AMENDMENTS RELATING TO PERSONNEL.

Section 5 of Public Law 98–101 is amended—

(1) in subsection (b)—

(A) by striking out "(b) The" and inserting in lieu thereof "(b)(1) The";

(B) by striking out "compensation, without" and all that follows thereafter through "rates," and inserting in lieu thereafter "compensation"; and

(C) by adding at the end thereof the following: "The Chairman or the staff director or both may, if so authorized by the Commission, take any action which the Commission is authorized to take under the preceding provisions of this paragraph.";

(2) in subsection (c)—

(A) by striking out "(c) Subject to the provisions of this subsection, the" and inserting in lieu thereof "(2) The"; and

(B) by striking out the last sentence and inserting in lieu thereof the following: "The Chairman or the staff director or both may, if so authorized by the Commission, take any action which the Commission is authorized to take under the preceding provisions of this paragraph.";

(3) by inserting before subsection (d) the following.

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"(c) Appointments and compensation under subsection (b)(1) or (2) of this section may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.";
and

(4) in subsection (e)—
(A) by striking out paragraph (2); and
(B) by redesignating subsection (e)(1) as subsection (e).

SEC. 6. AGENCY COOPERATION.

Section 6(c) of Public Law 98–101 is amended by adding at the end thereof the following: "All such governmental agencies and organizations shall cooperate with the Commission, to the extent allowed by law, in providing advice and assistance requested by the Commission.".

SEC. 7. TWO-YEAR EXTENSION.

Section 7 of Public Law 98–101 is amended by striking out "1989" and inserting in lieu thereof "1991".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR TWO ADDITIONAL YEARS.

Section 8 of Public Law 98–101 is amended by striking out "1989" and inserting in lieu thereof "1991".

EXPLANATION OF AMENDMENT

The committee amendment to H.R. 3559 substitutes a new text for the text of the introduced bill. The explanation of the committee amendment is contained in the explanation of the bill as set forth hereinafter in this report.

PURPOSE

The purpose of this legislation is to amend the Act establishing a Commission on the Bicentennial of the Constitution of the United States to clarify the status of employees of the Commission, to raise the limits on private contributions and for other purposes.

COMMITTEE ACTION

On October 11, 1985, Representative Lindy Boggs introduced H.R. 3559, at the request of the Commission on the Bicentennial of the Constitution of the United States. H.R. 3559 amends Public Law 98–101, an Act establishing a Commission on the Bicentennial of the Constitution of the United States. The bill was referred to the Committee on Post Office and Civil Service.

The Subcommittee on Census and Population and the Subcommittee on Compensation and Employee Benefits conducted a joint hearing on the subjection matter of H.R. 3559 on December 5, 1985 (Serial No. 99–39). Testimony was received from Members of Congress and representatives of bicentennial organizations.

On February 6, 1986, the Subcommittee on Census and Population approved the bill, by voice vote, with an amendment striking all after the enacting clause and inserting a substitute text offered by Representative James V. Hansen. On February 20, 1986, the Subcommittee on Compensation and Employee Benefits adopted by voice vote an additional amendment to section 2 of H.R. 3559.

The Committee on Post Office and Civil Service, by a voice vote and with a quorum present, ordered H.R. 3559 favorably reproted on March 12, 1986, with an amendment striking all after the enacting clause and inserting a substitute text.

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SUMMARY

H.R. 3559, as amended, raises the cap on annual contributions from $25,000 to $250,000 for private donors and from $100,000 to $1,000,000 for corporate donors. It also allows for the transfer of Commission funds to Federal departments and agencies which are involved with the promotion of the bicentennial to the extent and in such amounts as are determined in advance by appropriation acts.

The bill, as amended, authorizes the Commission to adopt a seal which shall be judically noticed. It also authorizes the Commission to adopt a Bicentennial logo and grants it authority over the manufacture, reproduction, use, sale, or distribution of the logo. Penalties are also established for whoever manufactures, reproduces, uses, sells, or distributes the logo without the Commission's authorization.

H.R. 3559, as amended, authorizes the chairman and staff director of the Commission to hire and pay support staff without regard to chapters 51 and 53 of title 5, United States Code, relating to position classification and the General Schedule pay rates. The bill also instructs Federal agencies and organizations to work in cooperation with the Commission.

In addition, H.R. 3559, as amended, extends the life of the Commission an additional two years, from 1989 to 1991, and extends the authorization for the appropriations from 1989 to 1991. H.R. 3559, as amended, also states that it is not the purpose of the Commission to pre-empt local or state governments from celebrating the bicentennial of the Constitution or to prevent them from adopting their own logo, symbol, or mark in connection with the commemoration of the bicentennial.

STATEMENT

Action in the 98th Congress

In September 1983, the President signed into law Public Law 98–101, establishing the Commission on the Bicentennial of the United States Constitution. Public Law 98–101 provides for 23 commissioners to plan celebration activities to honor the 200th anniversary of the Constitutional Convention on September 17, 1987.

The Commission is comprised of 20 members appointed by the President—four on the recommendation of the Speaker of the House of Representatives in consultation with the Minority Leader on the House of Representatives; four on the recommendation of the President Pro Tempore of the Senate in consultation with the Minority Leader in the Senate; and four on the recommendation of the Chief Justice of the United States. The Chief Justice of the United States (or his designee), the President Pro Tempore of the Senate (or his designee), and the Speaker of the House of Representatives (or his designee) also are members of the Commission.

Public Law 98–101 stipulates that Commissioners serve without pay and will choose among themselves a chair. Twelve members constitute a quorum. Commissioners are reimbursed for travel and other work-related expenses. The Commission has mailing privi-

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leges and can contract with the General Services Administration to establish support service agreements.

The Commission has the power to hire staff in three ways. First, the Commission can hire a staff director, whose salary cannot exceed the pay of an executive level I employee, and a maximum of five persons to assist the Commission. These assistants' pay cannot exceed the maximum rate of pay for GS-18 employees. Both the director and the support staff will be paid from Federal funds. Second, the Commission can hire a maximum of 40 other staff to be paid from private funds acquired through donations. Third, the Commission can request Federal agencies to detail staff. The total number of agency detailees cannot exceed 20.

The law grants the Commission authority to accept private donations and provides that the Commission must establish guidelines governing these donations. Donations from an individual cannot exceed $25,000 a year, and donations from a business entity cannot exceed $100,000 a year.

Public Law 98-101 also authorizes the Commission to design and use a logo as the official emblem of the bicentennial celebration. The logo can be used by others, as prescribed by the Commission. The Commission is prohibited from selling or leasing the service.

Three hundred thousand dollars was authorized to the Commission for fiscal year 1984. Appropriate sums of money for each subsequent year through fiscal year 1987 were authorized in Public Law 98-101.

Action in the 99th Congress

H.R. 3559 was introduced by Representative Lindy Boggs on October 11, 1985, at the request of the Commission on the Bicentennial of the Constitution of the United States. H.R. 3559 amends Public Law 98-101 by clarifying the status of employees of the Commission, by raising limits on private contributions, and for other purposes.

The Subcommittee on Census and Population and the Subcommittee on Compensation and Employee Benefits, to which the bill was jointly referred, conducted a joint hearing on December 5, 1985. Witnesses testifying at the hearing were Representative Boggs and Representative Philip Crane, both Commission members; Dr. Mark Cannon, staff director of the Commission on the Bicentennial of the Constitution; and Dr. Sheila Mann, director of Project '87, The American Constitutional Bicentennial. A statement from Senator Strom Thurmond was submitted for the hearing record.

The December 5 hearing revealed that while the Bicentennial Commission's goal is to renew America's commitment to the civic virtue of our founding fathers through a celebration of the Constitution, it was finding it difficult to prepare properly for the celebration. Part of the problem which the Commission faced stemmed from the fact that members were not appointed until July 16, 1985. Further, lack of sufficient funds and staff have placed a great burden on the Commission.

Representative Boggs summarized the concerns of all Commission members in her December 5 testimony:

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In recognition of the constraints imposed by time on the mandate to promote and coordinate activities to commemorate the Bicentennial of the Constitution, the Commission has requested that Congress modify its charter, Public Law 98-101. The changes recommended by the Commission are contained in [H.R. 3559].

(1) authority for the Commission to control the use of the official emblem of Bicentennial and to license its use by the public;

(2) removal of the limitation on the number of Commission staff who may be compensated through appropriated funds;

(3) exemption from Civil Service regulations of Commission staff paid from privately donated funds; and

(4) [authority to raise] the ceiling on the amount an individual can contribute to the Commission to $250,000 per annum and on the amount a corporation, partnership, or other business organization can contribute to $1,000,000 per annum.

Subsequent legislative action during the First Session of the 99th Congress prompted both the Subcommittee on Census and Population and the Subcommittee on Compensation and Employee Benefits to consider amendments to H.R. 3559.

The enactment of Public Law 99-190, "Further Continuing Appropriations Act of 1986," granted an additional appropriation of $12,000,000 for salaries and expenses of the Commission on the Bicentennial of the Constitution. In addition, the Continuing Appropriations Act amended three personnel provisions of the original Act (Public Law 98-101). Public Law 99-190 eliminated the limit (5) on the number of employees paid from appropriated funds, eliminated the limit (20) on detailees from Federal agencies, and limited the pay of the Commission's staff director to 95 percent of the rate of pay for positions at level I of the Executive Schedule. Public Law 99-180, the "State, Commerce, Justice, and Judiciary Appropriations Act of 1986", granted an additional $775,000 to the Commission for salaries and expenses, and Public Law 99-194, "National Foundation on the Arts and Humanities Amendments of 1985", authorized a total of $25,000,000 for the Commission over a 5-year period of fiscal years 1987 through 1991, authorizing amounts of $5 million to the Commission each year.

These events, as well as requests by the Commission on the Bicentennial of the Constitution to clarify the intent of the original Act, prompted both the Subcommittee on Census and Population and the Subcommittee on Compensation and Employee Benefits to adopt amendments to H.R. 3559. The substitute amendment adopted in committee reflects the amendments adopted separately by each subcommittee.

Committee amendment

Section 1 authorizes the Commission to adopt a seal which shall be judicially noticed.

Section 2 states that it is not the purpose of the Commission to prevent any state or local government from celebrating the bicen-

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tennial or establishing its own logo or symbol. The committee encourages state and local government entities to develop their own commemoration of the bicentennial. However, it is the committee's hope that these activities will be coordinated with those promoted by the Commission.

Section 3 raises the annual cap on individual and corporate donations to $250,000 and $1,000,000, respectively. This section also authorizes the transfer of Commission funds to Federal departments or agencies which are involved with the commemoration of the bicentennial. Lastly, this section provides that the Commission may issue rules and regulations to carry out its purposes. The committee believes that raising the ceiling on donations will facilitate the Commission's fund-raising efforts. The committee also notes that allowing for the transfer of funds will permit Federal agencies to become more involved in the bicentennial celebrations and thereby will promote the objectives of the Commission.

Section 4 defines the term "Bicentennial logo" and requires that notice of the designation of the Bicentennial logo be published in the Federal Register. This section authorizes the Commission to promulgate rules and regulations for the manufacture, reproduction, use, sale, or distribution of the logo. It further provides that the authority for the use of the logo may not be reassigned or transferred without approval of the Commission and that the Commission may revoke or terminate that authority. This section also provides that fees charged shall be available to the Commission. Additionally, section 4 prescribes penalties for the unauthorized use of the Bicentennial logo. Unauthorized use of the logo may result in a fine of not more than $250 or imprisonment of not more than six months, or both. Section 4 further provides that section 701 of title 18 shall not apply with respect to the Bicentennial logo. Implicit in this provision is the fact that section 701 will apply as it relates to the unauthorized use of the Commission seal. Finally, section 4 includes a savings provision which states that all rules and regulations issued by the Commission and suits lawfully commenced prior to the enactment of this Act shall not be affected or abated by reason of the enactment of this Act.

Although H.R. 3559 includes provisions for the commercial licensing of the Bicentennial logo as an additional source of income to the Commission, the committee has expressed its concern that the logo may be subject to widespread commercialization. Consequently, the committee has made its clear that the Commission has exclusive authority over the use and distribution of the logo and has provided penalties for its unauthorized use. In addition, the committee strongly encourages the Commission to waive its fee for the use of the logo by educational organizations which are involved with activities dealing with the bicentennial of the Constitution.

Section 5 extends hiring authority to the chairman and staff director of the Commission. In addition, section 5 allows the Commission to hire staff without regard to the classification and pay provisions of title 5, United States Code, including General Schedule pay rates. The committee, however, expects and encourages the Commission to hire and pay support staff in a fair and equitable manner.

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Section 6 states that governmental agencies and organizations shall provide advice, assistance, and cooperation to the Commission. The committee believes that this will ensure sufficient governmental support for the Commission in the discharge of its duties.

Section 7 extends the life of the Commission from 1989 to 1991, and section 8 extends the authorization for appropriations for the Commission until 1991. These provisions will allow the Commission to continue the bicentennial celebrations with the timely commemoration of the ratification of the Bill of Rights. The committee notes that the life of the Commission has been extended with the expectation that there will be no further requests for extensions.

Section Analysis

H.R. 3559, as amended by the Committee, makes numerous changes to Public Law 98-101, an Act to provide for the establishment of a Commission on the Bicentennial of the Constitution. Except as otherwise noted the section references below refer to sections of that Act.

Section 1 of the bill amends the first section of Public Law 98-101 to require the Commission to have an official seal which shall be judicially noticed.

Section 2 of the bill adds a new section 3(b) to Public Law 98-101 relating to commemoratives by state and local governments. New section 3(b) states the intent not to interfere with state and local celebrations of the bicentennial of the Constitution nor prohibit such a unit from establishing its own logo.

Section 3 of H.R. 3559, as amended, amends section 5 relating to administrative provisions and powers. Amended section 5(h)(2)(A) increases the amount an individual can donate to the Commission to $250,000. Amended section 5(h)(2)(B) increases the amount a corporation, partnership, or other business organizations can donate to the Commission to $1,000,000. New section 5(k), as added by the bill, allows the Commission to transfer funds received by it to a Federal agency to assist in commemorating the bicentennial of the Constitution. Monetary transfers cannot exceed amounts provided in advance in appropriation acts. New section 5(l) allows the Commission to issue rules and regulations to carry out the purposes of the Act.

Section 4 of H.R. 3559, as amended, revises section 5(j). Section 5(j)(1), as amended, defines "Bicentennial logo" to mean the symbol or mark designated by the Commission for use in connection with the commemoration of the bicentennial of the Constitution. Section 5(j)(2), as amended, requires the Commission to establish rules and regulations regarding the manufacture, reproduction, use, sale, or distribution of the logo. Section 5(j)(3), as amended, requires the rules and regulations regarding the logo to address (A) charging a fee and circumstances under which a waiver of the fee would be granted; (B) prohibiting reassignments or transfers without approval by the Commission; and (C) allowing the Commission to revoke or terminate use of the logo.

Section 5(j)(4)(A)(i), as amended, sets a maximum fine of $250, a maximum prison term of 6 months, or both, for those using the

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logo without authorization. Section 5(j)(4)(A)(ii), as amended, subjects unauthorized users of the Bicentennial logo to a civil penalty equal to the amount of the fee which would have been payable in the case of legal, authorized use of the logo.

Section 5(j)(4)(B), as amended, provides that section 701 of title 18, United States Code, shall not apply with respect to the Bicentennial logo.

Section 5(j)(5), as amended, provides that fees charged for use of the logo shall be available to the Commission.

Section 5(j)(6), as amended, requires that notice of the designation of a symbol or mark as the Bicentennial logo be published in the Federal Register.

Section 4(b)(1) of H.R. 3559, as amended, continues in effect all rules and regulations regarding the logo issued by the Commission prior to the enactment of H.R. 3559, as amended, until those rules and regulations are modified, terminated, suspended, or repealed. Section 4(b)(2) of the bill permits the continuance of lawsuits or actions which commenced prior to the enactment of this bill as if the bill had not been enacted.

Section 5 of H.R. 3559, as amended, amends section 5 of Public Law 98-101 relating to personnel.

Amended section 5(b)(1) authorizes the Commission to appoint and fix the compensation of such additional publicly paid personnel as the Chairman finds necessary to further the goals of the Act. Section 5(c) is redesignated as section 5(b)(2) and is amended. Amended section 5(b)(2) permits the chairman or staff director, or both, to make determinations regarding the hiring and compensation of publicly funded personnel if so authorized by the Commission.

A new section 5(c) is added to permit the Commission to make appointments and set rates of pay under section 5(h)(1) and (2) without regard to the provisions governing appointments, classifications, and pay in the competitive service as set out in title 5, United States Code.

Finally, section 5(4) of H.R. 3559, as amended, strikes section 5(e)(2) and redesignates 5(e)(1) as 5(e), thereby removing the 20-employee cap on agency detailees.

Section 6 of the bill adds a provision to section 6(c) Public Law 98-101 mandating all Federal agencies and organizations to cooperate with the Commission in providing advice and assistance as requested by the Commission.

Section 7 of the bill extends the life of the Commission until 1991.

Section 8 of the bill extends the authorization of appropriations for the Commission until 1991.

The cost estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974 is set forth below:

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U.S. CONGRESS,
CONGRESSSIONAL BUDGET OFFICE,
Washington, DC, April 10, 1986.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, The Congressional Budget Office has reviewed H.R. 3559, a bill to amend the act establishing a Commission on the Bicentennial of the Constitution of the United States to clarify the status of employees of the Commission, to raise the limits on private contributions, and for other purposes, as ordered reported by the House Committee on Post Office and Civil Service, March 12, 1986.

The bill would extend the life of the Commission on the Bicentennial of the Constitution of the United States for two years. Under current law, the commission is scheduled to expire on December 31, 1989. The bill would authorize the appropriation of such sums as necessary for the commission for fiscal years 1990 and 1991. H.R. 3559 would also increase the cap on private donations that the commission may receive, expand the hiring authority of the commission, and authorize the creation of a logo and seal. Based on information from the commission, we estimate that extending the commission through 1990 and 1991 would cost an additional $2 million per year, assuming appropriation of the necessary amounts. Other provisions of the bill would have no cost impact.

Enactment of this bill would not affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

JAMES BLUM
(For Rudolph G. Penner, Director).

OVERSIGHT

Under the rules of the Committee on Post Office and Civil Service, the Subcommittee on Census and Population and the Subcommittee on Compensation and Employee Benefits are vested with legislative and oversight jurisdiction over the subject matter of this legislation. The subcommittees concluded that there is ample justification for enacting this legislation.

The subcommittees received no report of oversight findings or recommendations from the Committee on Government Operations pursuant to clause 4(c)(2) of House Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of House Rule XI, the committee has concluded that the enactment of H.R. 3559 will have no inflationary impact on the national economy.

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CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 29, 1983

AN ACT To provide for the establishment of a Commission on the Bicentennial of the Constitution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission". *The Commission shall have an official seal, which shall be judicially noticed.*

* * * * * * *

PURPOSE

SEC. 3. *(a)* It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

(b) It is not the purpose of this Act to preempt any unit of State or local government from celebrating the bicentennial of the Constitution, and nothing in this Act shall prevent any such unit from establishing its own logo, symbol, or mark in connection therewith.

ADMINISTRATIVE PROVISIONS AND POWERS

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

(b)*(1)* The Commission is authorized to appoint and fix the compensation[, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates,] of such additional publicly paid personnel as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate of pay for GS–18 of the General Schedule under section 5332 of title 5, United States Code. *The Chairman or the staff director or both may, if so authorized by the Commission, take any action which the Commission is authorized to take under the preceding provisions of this paragraph.*

[(c) Subject to the provisions of this subsection, the] *(2) The* Commission may appoint and fix the pay of such additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. [The Chairman may appoint such additional personnel as he deems appropriate, not to

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exceed forty staff members.] *The Chairman or the staff director or both may, if so authorized by the Commission, take any action which the Commission is authorized to take under the preceding provisions of this paragraph.*

(c) Appointments and compensation under subsection (b) (1) or (2) of this section may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(e)[(1)] Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

[(2) The Commission may accept services.]

* * * * * * *

(h)(1) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(2) The Commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services, except that under such regulations, the Commission may not accept donations—

(A) the value of which exceeds [$25,000] *$250,000* annually, in the case of donations from an individual; or

(B) the value of which exceeds [$100,000] *$1,000,000* annually, in the case of donations from a corporation, partnership, or other business organization.

* * * * * * *

[(j) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, including penalties for unauthorized use, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leasing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.]

(j)(1) For the purpose of this Act, the term "Bicentennial logo" means the symbol or mark designated by the Commission for use in connection with the commemoration of the bicentennial of the Constitution.

(2) The Commission may, in accordance with rules and regulations which the Commission shall prescribe, authorize the manufacture, reproduction, use, sale, or distribution of the Bicentennial logo.

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(3) Rules and regulations referred to in paragraph (2) shall include the provisions under which—

(A) fees may be charged for any authorization under this subsection (including circumstances under which any such fee may be waived);

(B) any authorization granted under this subsection shall not be subject to reassignment or transfer without approval by the Commission; and

(C) any authorization granted under this subsection may be revoked or otherwise terminated.

(4)(A) Whoever, except as authorized under this subsection, manufactures, reproduces, uses, sells, or distributes the Bicentennial logo—

(i) shall be fined not more than $250 or imprisoned not more than 6 months, or both; and

(ii) shall be subject to a civil penalty in an amount equal to the amount of the fee which would have been payable by that person under paragraph (3)(A).

(B) Section 701 of title 18, United States Code, shall not apply with respect to the Bicentennial logo.

(5) Amounts charged under paragraph (3)(A) shall be available to the Commission.

(6) Notice of designation under paragraph (1) shall be published in the Federal Register.

(k) The Commission may transfer funds received by it to another Federal department or agency if the Commission determines that the use of such funds by such department or agency would promote the commemoration of the bicentennial of the Constitution. This subsection is effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

(l) The Commission may issue rules and regulations to carry out the purposes of this Act.

DUTIES OF THE COMMISSION

SEC. 6. (a) * * *

* * * * * * *

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations. *All such governmental agencies and organizations shall cooperate with the Commission, to the extent allowed by law, in providing advice and assistance requested by the Commission.*

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TERMINATION

SEC. 7. The Commission shall terminate on December 31, [1989] *1991.*

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AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act $300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year [1989] *1991.*

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